

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOMPO JAPAN INSURANCE COMPANY OF
AMERICA and SOMPO JAPAN INSURANCE,
INC.

07 Civ. 2735 (DC)

JUDGMENT

Plaintiffs,

- against -

NORFOLK SOUTHERN RAILWAY
COMPANY, NORFOLK SOUTHERN
CORPORATION and THE KANSAS CITY
RAILWAY COMPANY

Defendants.

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9-21-09
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Plaintiffs having filed a motion for summary judgment against defendants Norfolk Southern Railway Company and The Kansas City Railway Company, and defendants having filed a motion for summary judgment to dismiss the Complaint, and the matter having come before the Honorable Denny Chin, United States District Judge, and the Court, on September 10, 2009, having rendered its Memorandum Decision granting plaintiffs' motion for summary judgment (with one modification), and denying defendants' motion for summary judgment, and awarding damages to plaintiffs as set forth therein.

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Decision dated September 10, 2009, plaintiffs' motion for summary judgment is granted, defendants' motion for summary judgment is denied; and judgment is entered against defendants Norfolk Southern Railway Company and Kansas City Railway Company as follows:

1. Sompo Japan Insurance Company of America shall recover from Norfolk Southern Railway Company and Kansas City Railway Company the principal sum of

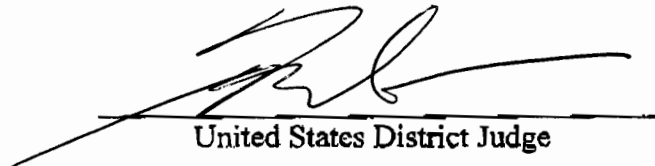
\$1,304,687.64, plus prejudgment interest at 9% per annum from May 1, 2006 until date of entry of judgment in the amount of \$396,334.10, for a total of \$1,701,021.73, with costs to be taxed by the Clerk; and

2. Sompo Japan Insurance, Inc. shall recover from Norfolk Southern Railway Company and Kansas City Railway Company the principal sum of \$280,663.62, plus prejudgment interest at 9% per annum from May 1, 2006 until date of entry of judgment in the amount of \$85,259.15, for a total of \$365,922.77, with costs to be taxed by the Clerk; and

3. By stipulation the action against Norfolk Southern Corporation is discontinued.

Dated: New York, New York
September 17, 2009

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United States District Judge